

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA, ex rel.,  
KEISHA KELSCHENBACH,

Plaintiffs,

-v-

M&T BANK CORPORATION,

13-CV-0280(S)

Defendant.

---

**JOINT STIPULATION OF DISMISSAL**

Pursuant to Rule 41(a) of the Federal Rules of Civil procedure and the *qui tam* provisions of the False Claims Act, 31 U.S.C. § 3730(b)(1), and in accordance with the terms and conditions of the May 9, 2016 Settlement Agreement among the United States, Relator, and M&T Bank Corporation (the "Settlement Agreement") attached hereto, the United States and Relator hereby stipulate, through their undersigned counsel, to the entry of an order (1) dismissing with prejudice all claims asserted on behalf of the United States against M&T Bank Corporation, concerning the Covered Conduct as defined in Recital C of the Settlement Agreement; and (2) dismissing without prejudice to the United States and with prejudice to Relator all other claims and allegations except for Relator's claims for reasonable expenses necessarily incurred and reasonable attorney's fees and costs pursuant to 31 U.S.C. § 3730(d). The Settlement Agreement provides that "the exclusive jurisdiction and venue for any dispute relating to this Agreement, including determination of relator's share, is the United States District Court for the Western District of New York."

Relator, on behalf of herself, her heirs, successors, attorneys, agents, and assigns,

stipulates that the Settlement Amount set forth in the Settlement Agreement and the terms and conditions described therein are fair, adequate, and reasonable under all the circumstances, that she will not challenge the settlement pursuant to 31 U.S.C. § 3730(c)(2)(B), and that she expressly waives the opportunity for a hearing on any objection to the settlement under to 31 U.S.C. § 3730(c)(2)(B).

The United States and Relator respectfully request that the Court enter an order in the form of the attached, proposed order.

DATED this 12<sup>th</sup> day of May, 2016.

*Attorney for Relator*

*s/Michael J. Lingle*  
\_\_\_\_\_  
J. Nelson Thomas  
Michael J. Lingle  
Jonathan Ferris  
Thomas & Solomon LLP  
Counsel for Keisha Kelschenbach

JAMES P. KENNEDY, JR.  
Attorney for the United States  
Acting under the Authority  
Conferred by 28 U.S.C. §§ 515

*s/Kathleen A. Lynch*  
\_\_\_\_\_  
KATHLEEN A. LYNCH  
Assistant U.S. Attorney  
138 Delaware Avenue  
Buffalo, New York 14292  
(716) 843-5830